THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21857 OF 2005

DATED:6.10.2005

Between:

T.A.V.Krishna Mohan and others

…Petitioners

And

The Municipal Corporation of Hyderabad,

Rep. by its Commissioner, Tankbund, Hyderabad, A.P.

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21857 OF 2005

ORDER:

The petitioners, who are five in number, own/occupied houses on Road No.36 of Jubilee Hills. The Municipal Corporation of Hyderabad (MCH) issued a letter to some of them informing that MCH has taken up the widening of the road to 100 feet, that specified extent of petitioners' premises would be affected and the petitioners were requested to give consent in writing to handover advance possession. All the petitioners assert that they are not willing to give such consent nor they have to negotiate with MCH for parting with their land. They also allege that the respondents and the other officials have marked a portion of the premises in the petitioners' land without even initiating any proceedings under the Land Acquisition Act, 1894. Therefore, they filed the present writ petition seeking a declaration that the action of

the respondents in trying to demolish the compound walls and structures of the petitioners' premises is illegal and arbitrary.

After getting instructions in the matter, the learned Standing Counsel for MCH submits that if the petitioners are not willing to give their consent, necessary action would be taken in accordance with Section 147 of the Hyderabad Municipal Corporation Act, 1955 (the Act, for short) for acquiring the land. The learned Counsel does not dispute that unless the petitioners are deprived of their property in accordance with due process of law, their right to enjoy the property cannot be denied.

Accordingly, the writ petition is disposed of observing that unless and until requisite proceedings under Section 147 of the Act are initiated, the petitioners' right to enjoy their property cannot be denied nor its officials can demolish the compound walls or structures of the petitioners, without notice.

The Writ Petition, with the above observations and directions, is disposed of. No costs.

_____

(V.V.S.RAO, J)

6.10.2005

Note:Operative portion of the order may be

Communicated by WIRE,

Tomorrow- 7.10.2005, at party's cost.

(B.O)

bnr